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10/568,733	08/05/2008	Jurgen Tegeler	2003P12469	4890

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EXAMINER	
JENSEN, NICHOLAS A	

ART UNIT	PAPER NUMBER
2468	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/568,733	TEGELER, JURGEN	
	Examiner	Art Unit	
	Nicholas Jensen	2468	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 February 2006_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-30_ is/are pending in the application.

4a) Of the above claim(s) _1-10_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _11-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _17 February 2006_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _02/17/2006_.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to preliminary amendment filed on February 17th, 2006 in which claims 11-30 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 11-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, Tom. "Megaco/H.248: A New Standard for Media Gateway Control.", in view of Greene, N. et al "Media Gateway Control Protocol Architecture and Requirements" hereinafter referred to as Greene.

4. Regarding independent **claim 11,** Taylor discloses: "*A method for releasing a connection in a communication network, comprising: assigning a controller to a call control layer;*" Taylor, page 132, left column, first paragraph disclose the Media Gateway (MG) detects loss of contact with its controlling Media Gateway Controller (MGC) due to failure to receive timely acknowledgement of event notifications or failure at the transport level and responds and the responsibility for trying to find an alternative Media Gateway Controller that will respond.

5. Additionally, Taylor discloses: "*assigning a gateway to a resource control layer controlled by the controller;*" Taylor, page 132, left column, first paragraph disclose the Media Gateway Controller (MGC) may choose at any time to direct the Media Gateway

(MG) to end the current session and start a new control session with an alternative Controller. Examiner considers Taylor to disclose the association between a MGC and MG to be assigned.

6. Additionally, Taylor discloses: "*implementing the gateway as a separate unit from the controller;*" Taylor, page 124, top right column disclose two devices a media gateway (MG) and a media gateway controller (MGC) with an interconnecting communication link.

7. Taylor does not explicitly disclose:

- **a.** **"***sending a control message from the controller to the gateway to release the connection;"*
- **b.** **"***releasing the connection in the gateway;"*
- **c.** **"***notifying the release to at least one network node along the connection;"*
- **d.** **"***and effecting the notification on the resource control layer."*

8. However, Greene discloses: "*sending a control message from the controller to the gateway to release the connection;*" Greene, page 12, section 6.1.b-6.1.c disclose the Resource Control protocol as supporting administrative blocking and release of TDM circuit terminations.

9. Additionally, Greene discloses: "*releasing the connection in the gateway;*" Greene, page 12, section 6.1.b disclose the protocol supporting administrative blocking and release of Time division Multiplexing (TDM) circuit terminations.

10. Additionally, Greene discloses: "*notifying the release to at least one network node along the connection;*" Greene, page 12, section 6.1.a discloses a Media Gateway

(MG) reports changes in status of the physical entities supporting bearer terminations, media resources and facility-associated signaling channels.

11. Additionally, Greene discloses: "*and effecting the notification on the resource control layer.*" Greene, page 12, section 6.1.a discloses a Media Gateway (MG) reports changes in status of the physical entities supporting media resources and facility-associated signaling channels due to failures, recovery or administrative action.

12. Taylor and Greene are analogous art because they are from the same field of endeavor of interaction and use of Media Gateway Control Protocol (MGCP) with H.248/Megaco protocol.

13. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Taylor and Greene before him or her, to modify the Megaco/H.248 protocol of Taylor to include the capability for notification and release of resources of Greene because the release of communication resources enables the resources to be reused.

14. The suggestion for doing so would have been Greene, page 1, title disclose the formal architecture and requirements of Media Gateway Control Protocol (MGCP); Taylor, page 124, abstract disclose the features of Megaco/H.248 which is an extension of MGCP. Taylor, page 128, left column, second paragraph disclose a context as being created when the first termination is added to it and ceases to exist when the last termination is removed from it.

15. Therefore, it would have been obvious to combine Greene with Taylor to obtain the invention as specified in the instant claim(s).

16. Regarding dependent **claim 12,** Taylor as modified by Greene discloses: *"The method as claimed in claim 11, wherein the communication network is a packet-oriented network."* Taylor, page 124, abstract disclose Media Gateway Control Protocol (MGCP) as optimized for circuit to packet voice connections.

17. Regarding dependent **claim 13,** Taylor as modified by Greene discloses: *"The method as claimed in claim 12, wherein the packet-oriented network is an integrated voice-data network."* Taylor, page 124, abstract disclose H.248 as extending the MGCP to include a support for more advanced services such as multimedia conferencing.

18. Regarding dependent **claim 14,** Taylor as modified by Greene discloses: *"The method as claimed in claim 11, wherein the communication network is interconnected with a circuit-switched network via the gateway."* Taylor, page 124, abstract disclose Media Gateway Control Protocol (MGCP) as optimized for circuit to packet voice connections.

19. Regarding dependent **claim 15**, Taylor as modified by Greene discloses: *"The method as claimed in claim 11, wherein the call control layer and the resource control layer are functionally split such that the resource control layer is assigned only functions that are required for transmitting information and possesses no network control function, and the call control layer includes the network control function for controlling the resource control layer."* Taylor, page 124, abstract disclose a protocol and architecture for voice-over-IP networks that physically separates call control from media and bearer control.

20. Regarding dependent **claim 16,** Taylor as modified by Greene discloses: *"The method as claimed in claim 11, wherein the gateway which is controlled by the controller is implemented on a different physical device from the controller."* Taylor, page 124, top right column disclose two devices a media gateway (MG) and a media gateway controller (MGC) with an interconnecting communication link.

21. 'Regarding dependent **claim 17,** Taylor as modified by Greene discloses: *"The method as claimed in claim 11, wherein the gateway which is controlled by the controller is implemented on a different hardware platform from the controllers."* Taylor, page 124, top right column disclose two devices a media gateway (MG) and a media gateway controller (MGC) with an interconnecting communication link.

22. Regarding dependent **claim 18,** Taylor as modified by Greene discloses: *"The method as claimed in claim 11, wherein the control message is sent if a recovery of the controller occurs."* Taylor, page 132, left column, first paragraph disclose the Media Gateway (MG) as issuing a control message if it detects loss of contact with its controlling MGC due to failure to receive a timely acknowledgement of event notifications

23. Regarding independent **claim 19,** Taylor discloses: "*A method for releasing a connection in a communication network that is interconnected with a calling subscriber circuit-switched network via a gateway, comprising: assigning a controller to a call control layer;"* Taylor, page 132, left column, first paragraph disclose the Media Gateway (MG) detects loss of contact with its controlling Media Gateway Controller (MGC) due to failure to receive timely acknowledgement of event notifications or failure

at the transport level and responds and the responsibility for trying to find an alternative Media Gateway Controller that will respond.

24. Additionally, Taylor discloses: "*assigning the gateway to a resource control layer controlled by the controller;*" Taylor, page 132, left column, first paragraph disclose the Media Gateway Controller (MGC) may choose at any time to direct the Media Gateway (MG) to end the current session and start a new control session with an alternative Controller. Examiner considers Taylor to disclose the association between a MGC and MG to be assigned.

25. Taylor does not explicitly disclose:

e. "*sending a control message from the controller to the gateway to release the connection;*"

f. "*releasing the connection in the gateway;*"

g. "*notifying the release to a switching node of the calling subscriber circuit-switched network;*"

h. "*and effecting the notification on the resource control layer if a failure of a transmission channel between the gateway and the switching node occurs.*"

26. However, Greene discloses: "*sending a control message from the controller to the gateway to release the connection;*" Greene, page 12, section 6.1.b-6.1.c disclose the Resource Control protocol as supporting administrative blocking and release of TDM circuit terminations.

27. Additionally, Greene discloses: "*releasing the connection in the gateway;*" Greene, page 12, section 6.1.b disclose the protocol supporting administrative blocking and release of Time division Multiplexing (TDM) circuit terminations.

28. Additionally, Greene discloses: *"notifying the release to a switching node of the calling subscriber circuit-switched network;"* Greene, page 12, section 6.1.a discloses a Media Gateway (MG) reports changes in status of the physical entities supporting bearer terminations, media resources and facility-associated signaling channels.

29. Additionally, Greene discloses: *"and effecting the notification on the resource control layer if a failure of a transmission channel between the gateway and the switching node occurs."* Greene, page 12, section 6.1.a discloses a Media Gateway (MG) reports changes in status of the physical entities supporting media resources and facility-associated signaling channels due to failures, recovery or administrative action.

30. Taylor and Greene are analogous art because they are from the same field of endeavor of interaction and use of Media Gateway Control Protocol (MGCP) with H.248/Megaco protocol.

31. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Taylor and Greene before him or her, to modify the Megaco/H.248 protocol of Taylor to include the capability for notification and release of resources of Greene because the release of communication resources enables the resources to be reused.

32. The suggestion for doing so would have been Greene, page 1, title disclose the formal architecture and requirements of Media Gateway Control Protocol (MGCP);

Taylor, page 124, abstract disclose the features of Megaco/H.248 which is an extension of MGCP. Taylor, page 128, left column, second paragraph disclose a context as being created when the first termination is added to it and ceases to exist when the last termination is removed from it.

33. Therefore, it would have been obvious to combine Greene with Taylor to obtain the invention as specified in the instant claim(s).

34. Regarding dependent **claim 20,** Taylor as modified by Greene discloses: *"The method as claimed in claim 19, wherein the failure causes a hardware monitoring of the switching node to report the transmission channel as failed."* Taylor, page 132 disclose the MGC performing audits and if necessary, resetting the state of a termination or group of terminations.

35. Regarding dependent **claim 21,** Taylor as modified by Greene discloses: *"The method as claimed in claim 19, wherein the control message is sent if a recovery of the controller that controls the gateway that is interconnected with the calling subscriber circuit-switched network occurs."* Taylor, page 132, left column, first paragraph disclose that once a session has been established a MGC may choose at any time for the MG to end a current session and start a new control session with an alternative controller, beings a change in control does not imply a teardown of existing contexts within the MG it can be done on a hot standby basis. Examiner interprets Taylor to disclose the exchange of control messages regarding a failure recovery.

36. Regarding independent **claim 22,** Taylor discloses: *"A method for releasing a connection in a communication network that is interconnected with a called subscriber*

circuit-switched network via a gateway, comprising: assigning a controller to a call control layer;" Taylor, page 132, left column, first paragraph disclose the Media Gateway (MG) detects loss of contact with its controlling Media Gateway Controller (MGC) due to failure to receive timely acknowledgement of event notifications or failure at the transport level and responds and the responsibility for trying to find an alternative Media Gateway Controller that will respond.

37. Additionally, Taylor discloses: "*assigning the gateway to a resource control layer controlled by the controller;"* Taylor, page 132, left column, first paragraph disclose the Media Gateway Controller (MGC) may choose at any time to direct the Media Gateway (MG) to end the current session and start a new control session with an alternative Controller. Examiner considers Taylor to disclose the association between a MGC and MG to be assigned.

38. Taylor does not explicitly disclose:

- **i.** *"sending a control message from the controller to the gateway to release the connection;"*
- **j.** *"releasing the connection in the gateway;"*
- **k.** *"and notifying the release to a second gateway node of the communication network by sending a special message from a first gateway to the second gateway."*

39. However, Greene discloses: *"sending a control message from the controller to the gateway to release the connection;"* Greene, page 12, section 6.1.b-6.1.c disclose

the Resource Control protocol as supporting administrative blocking and release of TDM circuit terminations.

40. Additionally, Greene discloses: *"releasing the connection in the gateway;"* Greene, page 12, section 6.1.b disclose the protocol supporting administrative blocking and release of Time division Multiplexing (TDM) circuit terminations.

41. Finally, Greene discloses: *"and notifying the release to a second gateway node of the communication network by sending a special message from a first gateway to the second gateway."* Greene, page 12, section 6.1.a discloses a Media Gateway (MG) reports changes in status of the physical entities supporting media resources and facility-associated signaling channels due to failures, recovery or administrative action.

42. Taylor and Greene are analogous art because they are from the same field of endeavor of interaction and use of Media Gateway Control Protocol (MGCP) with H.248/Megaco protocol.

43. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Taylor and Greene before him or her, to modify the Megaco/H.248 protocol of Taylor to include the capability for notification and release of resources of Greene because the release of communication resources enables the resources to be reused.

44. The suggestion for doing so would have been Greene, page 1, titled disclose the formal architecture and requirements of Media Gateway Control Protocol (MGCP), Taylor, page 124, abstract disclose the features of Megaco/H.248 which is an extension of MGCP. Taylor, page 128, left column, second paragraph disclose a context as being

created when the first termination is added to it and ceases to exist when the last termination is removed from it.

45. Therefore, it would have been obvious to combine Greene with Taylor to obtain the invention as specified in the instant claim(s).

46. Regarding dependent **claim 23,** Taylor as modified by Greene discloses: *"The method as claimed in claim 22, wherein the first gateway is interconnected with a called subscriber circuit-switched network."* Taylor, page 124, abstract disclose Media Gateway Control Protocol (MGCP) as optimized for circuit to packet voice connections.

47. Regarding dependent **claim 24,** Taylor as modified by Greene discloses: *"The method as claimed in claim 22, wherein the second gateway is interconnected with a calling subscriber circuit-switched network."* Taylor, page 124, abstract disclose Media Gateway Control Protocol (MGCP) as optimized for circuit to packet voice connections.

48. Regarding dependent **claim 25,** Taylor does not explicitly disclose: *"The method as claimed in claim 22, wherein the special message is RTCP packet by means of which an information "Packet Loss=100%" is displayed from the first gateway to the second gateway."*

49. However, Greene discloses: "*The method as claimed in claim 22, wherein the special message is RTCP packet"* Greene, page 22, section 11.1.2.f disclose the Media Gateway receiving and reporting RTCP packet flows on a per call basis

50. Additionally, Greene discloses: *"by means of which an information "Packet Loss=100%" is displayed from the first gateway to the second gateway."* Greene, page 26, section 11.1.3.4 (a) disclose reporting requirements for the MGCP protocol that

allow any end-of-call statistic to show loss/restoration of underlying VCC within the calls duration, together with the duration of loss.

51. Taylor and Greene are analogous art because they are from the same field of endeavor of interaction and use of Media Gateway Control Protocol (MGCP) with H.248/Megaco protocol.

52. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Taylor and Greene before him or her, to modify the Megaco/H.248 protocol of Taylor to include the packet loss reporting statistic of Greene because reporting call quality statistics enable administrators to identify and resolve network issues.

53. The suggestion for doing so would have been Greene, page 26, section 11.1.3.4 (b) disclose notification of any congestion avoidance actions taken by the Media Gateway (MG).

54. Therefore, it would have been obvious to combine Greene with Taylor to obtain the invention as specified in the instant claim(s).

55. Regarding dependent **claim 26,** Taylor does not explicitly discloses: *"The method as claimed in claim 22, wherein the second gateway, after exceeding a threshold value of the special message, notifies the release of the connection on the resource control layer to at least one further network node."*

56. However, Greene discloses: *"The method as claimed in claim 22, wherein the second gateway, after exceeding a threshold value of the special message, notifies the release of the connection on the resource control layer to at least one further network*

node." Greene, page 11, section 5.7.c disclose a mechanism for the Media Gateway Controller to specify that the Media Gateway (MG) report accounting information automatically at unit usage thresholds as specified by the MGC. Greene, page 10, section 5.5.d discloses the threshold functioning as a QoS threshold wherein notification indicates a threshold cannot be maintained.

57. Taylor and Greene are analogous art because they are from the same field of endeavor of interaction and use of Media Gateway Control Protocol (MGCP) with H.248/Megaco protocol.

58. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Taylor and Greene before him or her, to modify the Megaco/H.248 protocol of Taylor to include the packet loss reporting statistic of Greene because reporting call quality statistics enable administrators to identify and resolve network issues.

59. The suggestion for doing so would have been Greene, page 26, section 11.1.3.4 (b) disclose notification of any congestion avoidance actions taken by the Media Gateway (MG).

60. Therefore, it would have been obvious to combine Greene with Taylor to obtain the invention as specified in the instant claim(s).

61. Regarding dependent **claim 27,** Taylor does not explicitly disclose: *"The method as claimed in claim 26, wherein the further network node is a switching node of a circuit-switched network."*

62. However, Greene discloses: *"The method as claimed in claim 26, wherein the further network node is a switching node of a circuit-switched network."* Greene, page 3, section 3 define a Media Gateway (MG) function as terminating switched circuit network (SCN) facilities.

63. Taylor and Greene are analogous art because they are from the same field of endeavor of interaction and use of Media Gateway Control Protocol (MGCP) with H.248/Megaco protocol.

64. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Taylor and Greene before him or her, to modify the Megaco/H.248 protocol of Taylor to include the packet loss reporting statistic of Greene because reporting call quality statistics enable administrators to identify and resolve network issues.

65. The suggestion for doing so would have been Greene, page 26, section 11.1.3.4 (b) disclose notification of any congestion avoidance actions taken by the Media Gateway (MG).

66. Therefore, it would have been obvious to combine Greene with Taylor to obtain the invention as specified in the instant claim(s).

67. Regarding dependent **claim 28,** Taylor as modified by Greene discloses: *"The method as claimed in claim 22, wherein the notification is transmitted by the second gateway to the controller on the call control layer to a further network node."* Taylor, page 131, right column second paragraph disclose the potential latency in the control loop between the MG and MGC and solutions to mitigate slow responses.

68. Regarding dependent **claim 29,** Taylor as modified by Greene discloses: *"The method as claimed in claim 28, wherein the further network node is a switching node of a circuit-switched network."* Taylor, page 124, abstract disclose Media Gateway Control Protocol (MGCP) as optimized for circuit to packet voice connections.

69. Regarding dependent **claim 30,** Taylor as modified by Greene discloses: *"The method as claimed in claim 22, wherein the control message is sent if a recovery of the controller that controls the first gateway occurs."* Taylor, page 132, left column, first paragraph disclose the Media Gateway (MG) as issuing a control message if it detects loss of contact with its controlling MGC due to failure to receive a timely acknowledgement of event notifications

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Jensen whose telephone number is (571)270-5443. The examiner can normally be reached on 8:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Ryman can be reached on (571) 272-3152. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Jensen/
Examiner, Art Unit 2468

/Melanie Jagannathan/
Primary Examiner, Art Unit 2468